

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

CREE, INC.,

Plaintiff,

v.

HONEYWELL INTERNATIONAL INC.,

Defendant.

Case No. 14-cv-737

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Cree, Inc. (“Cree”), for its Complaint against Defendant Honeywell International Inc. (“Honeywell”), alleges as follows:

PARTIES

1. Cree is a corporation organized and existing under the laws of the State of North Carolina with a principal place of business at 4600 Silicon Drive, Durham, North Carolina, 27703. Cree’s largest LED lighting fixture manufacturing facility is located in Wisconsin at 9201 Washington Avenue, Racine, Wisconsin 53406 (formerly the headquarters of Ruud Lighting, Inc. (“Ruud Lighting”), which was acquired by Cree in 2011 and subsequently merged with Cree).

2. On information and belief, Honeywell is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 101 Columbia Road, Morristown, New Jersey, 07962. Honeywell has a registered agent/office in the state of Wisconsin at 8040 Excelsior Drive, Suite 400, Madison, Wisconsin 53717.

JURISDICTION AND VENUE

3. This is an action for patent infringement under 35 U.S.C. §§ 271 and 281. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. The Court has personal jurisdiction over Honeywell under Wis. Stat. §§ 801.05(1)(d) and 801.05(3), among other provisions. Honeywell has engaged in substantial, continuous, and systematic business within the State of Wisconsin. Honeywell regularly and deliberately engages in and continues to engage in activities that constitute, or result in, using, selling, and/or offering for sale infringing products in the state of Wisconsin and this judicial district. Honeywell derives substantial revenues from sales of infringing products in this district.

5. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), and (d) and § 1400(b).

BACKGROUND

6. Cree is a market-leading innovator engaged in the design, manufacture, and sale of light emitting diodes (“LED”) and lighting products using LEDs.

7. In August 2011, Cree acquired all of the outstanding capital stock of Ruud Lighting, which was headquartered in Racine, Wisconsin.

8. Cree’s Ruud Lighting subsidiary, which was engaged in the design, manufacture, and sale of LED lighting products, merged into Cree effective January 1, 2013. Cree continues to design, develop, manufacture, and sell LED lighting products in Wisconsin.

9. Because of the advantages LEDs provide over conventional lighting, liquid-crystal display (“LCD”)-based devices increasingly are being made using phosphor-based white LEDs (“white LEDs”) for backlighting.

10. On information and belief, Honeywell's Automation and Control Systems ("ACS") and Aerospace business units have made, used, sold, offered for sale, or imported products featuring LCDs that utilize white LEDs for backlighting.

11. On information and belief, at least three divisions within Honeywell's ACS business unit have made, used, sold, offered for sale, or imported products featuring LCDs that utilize white LEDs for backlighting: (1) Environmental & Combustion Controls; (2) Scanning and Mobility; and (3) Measurement and Control Systems.

12. For example, the following products of Honeywell's Environmental & Combustion Controls feature LCDs backlit by white LEDs: Honeywell VisionPRO 8000 Programmable Thermostat, Honeywell Wi-Fi 9000 Programmable Thermostat, Honeywell Wi-Fi Smart Programmable Thermostat, and Honeywell Prestige IAQ 2.0 Programmable Thermostat (collectively "Honeywell Thermostat Products").

13. On information and belief, Honeywell's Aviation Lighting and Cockpit Displays business within its Aerospace business unit has made, used, sold, offered for sale, or imported products featuring LCDs that use white LEDs for backlighting.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 8,659,034

14. Cree repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

15. On February 25, 2014, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,659,034 ("the '034 patent"), titled "Solid State White Light Emitter and Display Using Same." A copy of the '034 patent is attached as Exhibit A.

16. Cree owns the ‘034 patent and holds all rights to sue for past, present, and future infringement of the ‘034 patent.

17. Cree has complied with the notice requirements of 35 U.S.C. § 287 with respect to products that it manufactures and sells under the ‘034 patent.

18. Honeywell has infringed and continues to infringe by making, using, selling, offering to sell in, and/or importing into the United States products having LCDs backlit with white LEDs that are covered by at least claim 8 of the ‘034 patent. On information and belief, these include products made, used, sold, offered for sale, or imported by Honeywell’s Environmental & Combustion Controls, Scanning and Mobility, Measurement and Control Systems, and Aviation Lighting and Cockpit Displays businesses. Such products include, for example and without limitation, the Honeywell Thermostat Products.

19. As a result of Honeywell’s infringement of the ‘034 patent, Cree has suffered and will continue to suffer irreparable and monetary damages in an amount to be determined at trial, but in no event less than a reasonable royalty, together with interest and costs as fixed by the Court.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 8,860,058

20. Cree repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

21. On October 14, 2014, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,860,058 (“the ‘058 patent”), titled “Solid State White Light Emitter and Display Using Same.” A copy of the ‘058 patent is attached as Exhibit B.

22. Cree owns the ‘058 patent and holds all rights to sue for past, present, and future infringement of the ‘058 patent.

23. Honeywell has infringed and continues to infringe by making, using, selling, offering to sell in, and/or importing into the United States products having LCDs backlit with white LEDs that are covered by at least claim 1 of the ‘058 patent. On information and belief, these include products made, used, sold, offered for sale, or imported by Honeywell’s Environmental & Combustion Controls, Scanning and Mobility, Measurement and Control Systems, and Aviation Lighting and Cockpit Displays businesses. Such products include, for example and without limitation, the Honeywell Thermostat Products.

24. As a result of Honeywell’s infringement of the ‘058 patent, Cree has suffered and will continue to suffer irreparable and monetary damages in an amount to be determined at trial, but in no event less than a reasonable royalty, together with interest and costs as fixed by the Court.

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 7,910,938

25. Cree repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

26. On March 22, 2011, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,910,938 (“the ‘938 patent”), titled “Encapsulant Profile for Light Emitting Diodes.” A copy of the ‘938 patent is attached as Exhibit C.

27. Cree owns the ‘938 patent and holds all rights to sue for past, present, and future infringement of the ‘938 patent.

28. Honeywell has infringed and continues to infringe by making, using, selling, offering to sell in, and/or importing into the United States products having phosphor-based LEDs that are covered by at least claim 1 of the ‘938 patent. On information and belief, these include products made, used, sold, offered for sale, or imported by Honeywell’s Environmental & Combustion Controls, Scanning and Mobility, Measurement and Control Systems, and Aviation Lighting and Cockpit Displays businesses. Such products include, for example and without limitation, the Honeywell Thermostat Products.

29. As a result of Honeywell’s infringement of the ‘938 patent, Cree has suffered and will continue to suffer irreparable and monetary damages in an amount to be determined at trial, but in no event less than a reasonable royalty, together with interest and costs as fixed by the Court.

COUNT IV

INFRINGEMENT OF U.S. PATENT NO. 8,766,298

30. Cree repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

31. On July 1, 2014, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,766,298 (“the ‘298 patent”), titled “Encapsulant Profile for Light Emitting Diodes.” A copy of the ‘298 patent is attached as Exhibit D.

32. Cree owns the ‘298 patent and holds all rights to sue for past, present, and future infringement of the ‘298 patent.

33. Honeywell has infringed and continues to infringe by making, using, selling, offering to sell in, and/or importing into the United States products having phosphor-based LEDs that are covered by at least claim 8 of the ‘298 patent. On information and belief, these include

products made, used, sold, offered for sale, or imported by Honeywell's Environmental & Combustion Controls, Scanning and Mobility, Measurement and Control Systems, and Aviation Lighting and Cockpit Displays businesses. Such products include, for example and without limitation, the Honeywell Thermostat Products.

34. As a result of Honeywell's infringement of the '298 patent, Cree has suffered and will continue to suffer irreparable and monetary damages in an amount to be determined at trial, but in no event less than a reasonable royalty, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Cree prays for entry of judgment against Honeywell as follows:

- A. An entry of judgment against Honeywell that Honeywell has infringed U.S. Patent No. 8,659,034;
- B. An entry of judgment against Honeywell that Honeywell has infringed U.S. Patent No. 8,860,058;
- C. An entry of judgment against Honeywell that Honeywell has infringed U.S. Patent No. 7,910,938;
- D. An entry of judgment against Honeywell that Honeywell has infringed U.S. Patent No. 8,766,298;
- E. A permanent injunction against further infringement of any claim of U.S. Patent Nos. 8,659,034, 8,860,058, 7,910,938, and 8,766,298 by Honeywell and its respective officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them under 35 U.S.C. § 283;

- F. An award of compensatory damages adequate to compensate Cree for Honeywell's infringement;
- G. An award of any other damages permitted under 35 U.S.C. §§ 284 and 285;
- H. An award of pre-judgment interest, post-judgment interest, and costs; and
- I. Such other and further relief as the Court or a jury deems just and proper.

JURY DEMAND

Cree requests a trial by jury of all issues so triable.

Dated: October 28, 2014.

Respectfully submitted,

GODFREY & KAHN, S.C.

By: s/ Kendall W. Harrison
Kendall W. Harrison
Jennifer L. Gregor

One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719
(608) 257-3911
kharrison@gklaw.com
jgregor@gklaw.com

Robert M. Evans, Jr.
Marc W. Vander Tuig
John R. Schroeder
Elizabeth E. Fabick
(*pro hac vice* motions forthcoming)
SENNIGER POWERS LLP
100 N. Broadway, 17th Floor
St. Louis, MO 63102
Telephone: (314) 345-7000
Facsimile: (314) 345-7600

Attorneys for Plaintiff Cree, Inc.

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